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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Oscar Bernal; and Ekatherina
Bernal;

Plaintiffs,

v.

Asset Acceptance LLC;

Defendant.

No.

COMPLAINT

(Jury Trial Demanded)

I. Preliminary Statement

1. Plaintiffs bring this action for damages based upon Defendant's violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692 *et seq.* Plaintiffs seek recovery of statutory damages, actual damages, costs and attorney's fees.

II. JURISDICTION

2. Jurisdiction of this Court, over this action and the parties herein, arises under 15 U.S.C. § 1692k(d) (FDCPA), and 28 U.S.C. § 1331. Venue lies

1 in the Tucson Division of the District of Arizona as Plaintiffs' claims
2 arose from acts of the Defendant perpetrated therein.

3 **III. PARTIES**

- 4 3. Plaintiffs reside in Maricopa County, Arizona.
- 5 4. Plaintiffs are natural persons allegedly obligated to pay a debt.
- 6 5. Plaintiffs are "consumers" as that term is defined by FDCPA § 1692a(3).
- 7 6. Defendant Asset Acceptance LLC is a Delaware limited liability company
8 doing business in Arizona (hereinafter "Asset").
- 9 7. Asset collects or attempts to collect debts owed or asserted to be owed or
10 due another, or debt which it has purchased after default.
- 11 8. Asset is a "debt collector" as that term is defined by FDCPA § 1692a(6).

12 **IV. Factual Allegations**

- 13 9. In or about 1998, Plaintiffs opened a credit card account with Navy
14 Federal Credit Union ("NFCU").
- 15 10. The NFCU debt was incurred for family, personal or household purposes.
- 16 11. The NFCU account subsequently went into default in March 2005, or no
17 later than November 6, 2006.
- 18 12. On November 7, 2012, Asset filed suit against Plaintiffs in the
19 Hassayampa Justice Court, in Maricopa County, Arizona in order to
20 collect on the alleged debt.
- 21 13. In the justice court suit, Asset alleges that it is the assignee of the NFCU
22 account, and that Plaintiffs owe \$1,605 plus accrued interest, court costs,
23 and attorney's fees.
- 24 14. At the time Asset filed the justice court law suit, it knew, or should have
25 known, that the applicable statute of limitations had run, and that the

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2 DATED May 30, 2013 .
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4 s/ Floyd W. Bybee
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